

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 14, 1999

ALL-COUNTY LETTER NO. 99-65

TO: ALL COUNTY WELFARE DIRECTORS
ALL WELFARE-TO-WORK COORDINATORS

SUBJECT: WELFARE-TO-WORK PARTICIPATION
REQUIREMENTS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
☐ Federal Law or Regulation Change
☐ Court Order or Settlement Agreement
☐ Clarification Requested by One or More Counties
☒ Initiated by CDSS

REFERENCE: ASSEMBLY BILL 1542, CHAPTER 270, and STATUTES OF 1997

The purpose of this letter is to clarify and remind counties of the legal provisions regarding participation hours found in Welfare and Institutions Code (WIC) Sections 11322.8(a) and Manual of Policy and Procedures (MPP) Section 42-711.41. CalWORKs Welfare-to-Work regulations, which are anticipated to become final mid-September 1999, provide that an adult recipient in a one-parent assistance unit (AU), unless exempt, must participate in welfare-to-work activities for 32 hours per week, averaged monthly. Unless exempt from participation, an adult recipient in a two-parent assistance unit must participate in at least 35 hours per week of welfare-to-work activities, averaged monthly. However, both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent meets the federal work requirement of a minimum average of 20 hours per week.

The following apply to adult recipients, in one-parent and two-parent AUs, who are not exempt from work participation requirements:

- An adult recipient in a one-parent AU, including those two-parent households that are designated as a one-parent AU because of the incapacity of a parent, must not be required to participate more than a monthly average of 32 hours per week. An adult recipient in a two-parent AU must not be required to participate more than a monthly average of 35 hours per week.
- If an adult recipient in a one-parent AU chooses to participate more than the required 32-hours per week, or an adult recipient in a two-parent AU chooses to participate more than the required 35 hours per week, that decision must be reflected in the recipient's welfare-to-work plan. A recipient in welfare-to-work activities other than employment, who is participating for more than the required hours of participation, may reduce participation to an average of 32 hours per week (or 35 hours depending on whether he or she is in a one- or two-parent AU) at any time. Recipients, who fail to continue employment at the same level of earnings without good cause, are subject to sanction in accordance with MPP 42-721.223.

Supportive services, as defined in MPP Section 42-750, must be provided to recipients for all hours of actual participation. Child care services shall be provided to participants pursuant to the regulations in MPP Division 47.

The following apply to all recipients required to participate in welfare-to-work activities, whether in a one-parent or two-parent AU:

- The welfare-to-work plan for each recipient, and/or attachments to each plan, must include sufficient details about the specific activities and services to be provided that the individual can determine his or her actual hours of participation.
- During holiday periods of one week or less, if the employer, provider or work activity site is not open, the recipient's welfare-to-work activity that would normally be scheduled counts as participation. Since these days count as participation, there is no need for recipients to make them up.
- Counties may not require recipients to make up hours of participation that are missed for good cause.
- Unless they have good cause, recipients must participate during breaks of more than one week according to the terms of their welfare to work plans in assigned activities listed at MPP Section 42-711. Reasonable advance notice and appropriate supportive services, as defined in MPP Section 42-750, must be provided to recipients who are required to participate in any welfare-to-work activities during breaks of more than one week. Child care services shall be provided to recipients pursuant to the regulations at MPP Division 47.

Instructions to Counties

The following instructions apply to any county, CalWORKs contractor or subcontractor, who had a policy that required recipients in one-person AUs to sign welfare-to-work plans which included more than 32 hours per week, averaged monthly, or required adult recipients in two-parent AUs to sign welfare-to-work plans which included more than 35 hours per week, averaged monthly.

- Each county, whose policies have been inconsistent with those outlined in this letter, must immediately inform all CalWORKs recipients, contractors and subcontractors of the rules contained in this letter. An informing notice for recipients is attached to this letter.
- The attached informing notice must be sent to all recipients who signed welfare-to-work plans including more than 32 hours of participation per week (or 35 hours if in a two-parent AU), averaged monthly, or for more than the number of hours specified in the County's plan prior to July 1, 1999.

- Recipients must be offered the opportunity to sign a corrected welfare-to-work plan if their current plan requires that they participate more than an average of 32 hours per week (or more than an average of 35 hours per week if in a two-parent AU).
- Counties must rescind and reverse the sanction and restore any lost aid for any recipients who were sanctioned for failing to participate more than 32 hours per week (or 35 hours per week if in a two-parent AU), averaged monthly, or the maximum number of hours specified in the County's plan prior to July 1, 1999.
- Recipients who incurred out-of-pocket expenses for supportive services may be entitled to reimbursement, per MPP Section 42-750, during their actual hours of participation. Recipients who incurred child care expenses may be entitled to reimbursement per MPP Division 47.

Federal Work Participation

The instructions in this letter related to good cause should not have an adverse affect on a county's ability to meet the required federal work requirements. The hours of participation shown in the welfare-to-work plan, or otherwise identified as an assigned CalWORKs activity, are used to determine whether an individual has met the federal minimum average hours of participation, unless documentation in the case file indicates that the individual has failed, without good cause, to participate for his or her assigned hours.

If you have any questions regarding this letter, please contact Mr. Nick Smiley at (916) 654-1451 or Ms. Nora Ybarbo, Employment Bureau, at (916) 654-1394.

Sincerely,

***Original Document Signed By
Bruce Wagstaff on 5/14/99***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

c: CWDA
CSAC

IMPORTANT NOTICE TO CalWORKs RECIPIENTS

If there is only one parent in your family, or if the other parent is disabled, and you were required to sign a welfare-to-work plan for more than 32 hours per week averaged monthly, or if there are two parents in your family and one parent was required to sign a welfare-to-work plan for more than 35 hours, the following applies to you:

- You do not need to agree to a welfare-to-work plan that includes more than 32 hours per week, averaged monthly, if you are a member of a one-parent household, or more than 35 hours per week, averaged monthly, if you are a member of a two-parent household. (Averaged monthly hours means the total number of hours you participated in welfare-to-work activities during a calendar month, plus any hours you were excused from participating because of good cause, divided by 4.33.)
- You may agree to more hours, or keep doing more hours if you want to. You can change your mind about the extra hours at any time.
- If you have a regular job (unsubsidized employment), call your worker if you want to work fewer hours in the job. There are special rules about reducing earnings that apply to unsubsidized jobs.

When you have a good reason for not going to your activities, and you tell the county about your good reason, you do not have to make this time up.

For example, you miss your activity because you have a doctor's appointment. You tell the county about the doctor's appointment and give your worker a note from the doctor. You do not need to make up the hours you missed going to the doctor.

When you cannot do your activity because the site is closed for a holiday of one week or less, you do not need to make this time up.

Call your CalWORKs worker if you had your aid reduced because:

- You did not do more than 32 hours (or 35 hours) per week;
- You did not make up the time that you missed for a good reason; or
- You did not make up the time that you missed because your activity site was closed for a holiday of one week or less.

Call your CalWORKs worker if you want to change your welfare-to-work plan to include only an average of 32 hours per week if you are in a one-parent family, or an average of 35 hours per week if you are in a two-parent family.